

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

TYRE DAVIS,

Defendant.

No. 14-cr-212 (RJS)


ORDER

RICHARD J. SULLIVAN, Circuit Judge:

By letter dated January 6, 2021 but received in Chambers on January 27, 2021 (see attached), Defendant Tyre Davis requests that the Court credit time he spent in federal custody prior to sentencing toward his federal term of imprisonment. On November 25, 2019, the Court sentenced Davis to a term of two years' imprisonment for violating the terms of his supervised release, to run consecutive to Davis's undischarged state sentence for robbery in the first degree. (Doc. No. 972.) During that proceeding, the Court explained that any time spent in custody awaiting sentencing on the violation of supervised release would be credited to Davis's state sentence, and that he would not receive "credit for the federal sentence until after [he had] finished [his] state term." (Doc. No. 976.) Moreover, the authority to determine credit for time served ultimately rests with the Bureau of Prisons, not the Court. *See United States v. Luna-Reynoso*, 258 F.3d 111, 117 (2d Cir. 2001); *United States v. Pineyro*, 112 F.3d 43, 45 (2d Cir. 1997). Accordingly, Defendant's request for credit is DENIED.

SO ORDERED.

Dated: January 28, 2020  
New York, New York

  
\_\_\_\_\_  
RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

14cr212(3)

1/6/21

On June 6, 2019, I was Sentenced to 7 years in State of New York, County of Queens Supreme Court by Hon. Lopresto, C in Court Part-K21(Nysid#11687935J-indictment No: 2303/2018), Then on August 13, 2019 I was put on a writ for my violation of Supervised Release by the United State Marshal Service, On November 26, 2019 I was Sentenced to 2 years Consecutive in the United States District Court for the Southern District of New York by Hon. Richard J Sullivan (CR#14CR00212. USMS#70879-054) After that I was tranfar back to the state on Feb 14 2020. I Respectfully ask that the 6 months I Spend in B.O.P Custody to Count towards my 2 years violation of Supervised Release. On the Grounds that I nor my Lawyer ask for Adjournment. Even when my Lawyer ask for me to get Sentence on my first Court date, but the judge did for false actuation made by the marshal, I never ask to be brought to B.O.P Custody nor held for Over 6 months.

Respectfully Submitted  
Tyre Davis #19R1482



Collins C.F

P.O Box 340

Collins, New York 14034

**COLLINS CORRECTIONAL FACILITY**  
P.O. BOX 340  
COLLINS, NEW YORK 14034-0340

NAME: Tyre Davis DIN: 1921482

**INDEXED**

Southern District  
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New York, New York 10007

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